

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:10CR169
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
THOMAS J. HERINK,	)	
	)	
Defendant.	)	

This matter is before the court on defendant's objection to the magistrate judge's Order (Filing No. [69](#)). Mr. Steven Achelpohl was appointed as counsel for defendant (Filing No. [12](#)) and now seeks leave of court to hire additional counsel to represent the defendant (Filing No. [64](#)). The magistrate judge previously denied defendant's motion (Filing No. [68](#)). Following an *in camera* hearing with both parties and an *ex parte* evidentiary hearing in this matter,

**IT IS ORDERED:**

1. The defendant's objection to the magistrate judge's Order (Filing No. [69](#)) is sustained.
2. Michael A. Nelsen is appointed as co-counsel of record for the above-named defendant in this matter and shall forthwith file an appearance in this matter.
3. The Federal Public Defender's Office shall forthwith provide counsel with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
4. Co-counsel's appointment herein is made pursuant to 18 U.S.C. § 3006A(f). At the time of the entry of judgment herein, defendant shall file a current and complete financial statement to aid the court in determining whether any portion of counsel's fees and expenses should be reimbursed by defendant.
5. The Clerk shall provide a copy of this order to Mr. Nelsen and the Federal Public Defender for the District of Nebraska.

6. Counsel for the defendant is ordered to submit a budget report to the court on the first of each month until this matter is concluded.

7. Defendant's oral motion to continue trial is granted. Trial is continued to **December 12, 2011, at 9:00 a.m.** The time between July 21, 2011, and December 12, 2011, is deemed excluded in the interest of justice.

DATED this 2<sup>nd</sup> day of August, 2011

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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